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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,673	10/24/2000	Ciaran Murphy	922-115	3723

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EXAMINER

MATTIS, JASON E

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/694,673

Applicant(s)

MURPHY, CIARAN

Examiner

Jason E Mattis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment received on 6/15/04. The proposed amendments made to the drawings have been approved and entered. Amendments to the abstract have also been received and entered. A certified copy of the priority document has also been received. New claims 3-4 have been added and claim 1-4 are currently pending in the application.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Banwell et al. (U.S. Application 09/771313).

With respect to claim 1, Banwell et al. discloses a method of identifying an edge switch of a packet-based communication network (**See page 2 paragraphs 22-24 and Figure 1 of Banwell et al. for reference to a method for uniquely identifying a network element, which is an edge switch, and a port on the network element in response to a request from a network management station and for reference to the network using SNMP for IP domain network elements, meaning that the network is a packet-based communication network**). Banwell et al. also discloses

the edge switch having a port to which a specified user is connected (**See page 2 paragraphs 22-24, page 4 paragraph 39, and Figures 1 and 5A of Banwell et al. for reference to the network elements 210 and 220 of the network having ports, for connection to other devices, and for reference to the request for configuration update being sent to each network element using SNMP, which means that there must be a specified IP address of a specified user in the SNMP request message for the message to be properly routed**). Banwell et al. further discloses sending a unicast request packet from a policy server to the specified user with the unicast request packet including destination address data and a selected identification code (**See pages 4-5 paragraphs 39-40 and Figure 5A of Banwell et al. for reference to sending from a network management system a request message for a configuration update to each specific network element that it knows of using SNMP, which means that the request must contain a specific IP address to be properly routed to its destination, and for reference to the network element recognizing the message as a request message for a configuration update, meaning that there must be a selected identification code in the message packet that the network element uses to identify the request message**). Banwell et al. further discloses detecting the selected identification code at the port diverting the packet to a management agent for the switch (**See pages 2-3 paragraphs 25-28, pages 4-5 paragraphs 39-40, and Figures 2, 3, and 5A of Banwell et al. for reference to the network element recognizing the message as a request message for a configuration update, meaning that there must be a selected identification**

code in the message packet that the network element uses to identify the request message, and for reference to the request message being diverted to used by processor 252, a management agent of the network element, to gain port connectivity information of the network element). Banwell et al. also discloses returning to the server an identification of the switch and the user **(See page 5 paragraph 40 and Figure 5 of Banwell et al. for reference to the network element sending to the network management system a block of information including the network element model number, network element serial number, and for each connected port on the network element, the port identifier, far end network element serial number, and the far end network port identifier, meaning identification of the network element, or switch, and identification of the user element attached to the ports of the switch are sent to the network management system, or server).**

With respect to claim 2, Banwell et al. discloses causing the specified user to reply to the unicast request packet by means of a reply packet including the identification code (See page 3 paragraph 31, page 4 paragraph 35, and Figures 3 and 4B of Banwell et al. for reference to, as a part of the process of gaining port connectivity information, the devices connected to the network element communicating their connectivity using a response packet that includes a packet protocol identifier, or identification code, indicating that the packet is a response packet). Banwell et al. also discloses detecting at the edge switch the identification code in the reply packet **(See page 3 paragraph 31, page 4 paragraph 35, and**

Figures 3 and 4B of Banwell et al. for reference to network elements receiving the response packet from devices connected to the network element ports and identifying the received packets based on the packet protocol identifier).

With respect to claim 3, Banwell et al. discloses a method of identifying an edge switch of a packet-based communication network (See page 2 paragraphs 22-24 and Figure 1 of Banwell et al. for reference to a method for uniquely identifying a network element, which is an edge switch, and a port on the network element in response to a request from a network management station and for reference to the network using SNMP for IP domain network elements, meaning that the network is a packet-based communication network). Banwell et al. also discloses the edge switch having a port to which a specified user is connected (See page 2 paragraphs 22-24, page 4 paragraph 39, and Figures 1 and 5A of Banwell et al. for reference to the network elements 210 and 220 of the network having ports, for connection to other devices, and for reference to the request for configuration update being sent to each network element using SNMP, which means that there must be a specified IP address of a specified user in the SNMP request message for the message to be properly routed). Banwell et al. further discloses sending a unicast request packet from a policy server to the specified user with the unicast request packet including destination address data of the specified user and a selected identification code (See pages 4-5 paragraphs 39-40 and Figure 5A of Banwell et al. for reference to sending from a network management system a request message for a configuration update to each specific network element that it knows of using

SNMP, which means that the request must contain a specific IP address to be properly routed to its destination, and for reference to the network element recognizing the message as a request message for a configuration update, meaning that there must be a selected identification code in the message packet that the network element uses to identify the request message). Banwell also discloses responding at the user to send a reply packet including the destination address data and the selected identification code, parsing the reply packet to detect the selected identification code, and on detection of the code diverting the reply packet to a management agent for the switch (See page 3 paragraph 31, page 4 paragraph 35, pages 2-3 paragraphs 25-28, and Figures 2, 3, and 4B of Banwell et al. for reference to, as a part of the process of gaining port connectivity information, the devices connected to the network element communicating their connectivity using a response packet that includes a packet protocol identifier, or identification code, indicating that the packet is a response packet and also includes a destination port number, serial number, and model number, or destination address, data, and for reference to the network element receiving the reply packet and relaying the reply packet to a processor 252, or management agent, for the network element, based on the packet being identified as a reply packet). Banwell et al. further discloses returning to the server from the switch an identification of the switch and the user (See page 5 paragraph 40 and Figure 5 of Banwell et al. for reference to the network element sending to the network management system a block of information including the network element model

number, network element serial number, and for each connected port on the network element, the port identifier, far end network element serial number, and the far end network port identifier, meaning identification of the network element, or switch, and identification of the user element attached to the ports of the switch are sent to the network management system, or server).

With respect to claim 4, Banwell et al. discloses a method of identifying an edge switch of a packet-based communication network (See page 2 paragraphs 22-24 and Figure 1 of Banwell et al. for reference to a method for uniquely identifying a network element, which is an edge switch, and a port on the network element in response to a request from a network management station and for reference to the network using SNMP for IP domain network elements, meaning that the network is a packet-based communication network). Banwell et al. also discloses the edge switch having a port to which a specified user is connected (See page 2 paragraphs 22-24, page 4 paragraph 39, and Figures 1 and 5A of Banwell et al. for reference to the network elements 210 and 220 of the network having ports, for connection to other devices, and for reference to the request for configuration update being sent to each network element using SNMP, which means that there must be a specified IP address of a specified user in the SNMP request message for the message to be properly routed). Banwell et al. further discloses obtaining the IP network address of the specified user and sending a unicast request packet from a policy server to the specified user with the unicast request packet including as a destination address the IP network address and including a selected identification code

(See pages 4-5 paragraphs 39-40 and Figure 5A of Banwell et al. for reference to sending from a network management system a request message for a configuration update to each specific network element that it knows of using SNMP, which means that the request must contain a specific obtained IP address to be properly routed to its destination, and for reference to the network element recognizing the message as a request message for a configuration update, meaning that there must be a selected identification code in the message packet that the network element uses to identify the request message). Banwell et al. also discloses responding at the specified user to the unicast packet by returning a reply packet including the IP network address, the identification code, and the payload, detecting the selected identification code at the port of the edge switch and diverting the reply packet to a management agent for the edge switch (See page 3 paragraph 31, page 4 paragraph 35, pages 2-3 paragraphs 25-28, and Figures 2, 3, and 4B of Banwell et al. for reference to, as a part of the process of gaining port connectivity information, the devices connected to the network element communicating their connectivity using a response packet that includes a packet protocol identifier, or identification code, indicating that the packet is a response packet and also includes a destination port number, serial number, and model number, or destination address, data, and for reference to the network element receiving the reply packet and relaying the reply packet to a processor 252, or management agent, for the network element, based on the packet being identified as a reply packet). Banwell et al. further discloses modifying the payload and returning

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to the policy server the reply packet including the payload as modified, an identification of the edge switch and an identification of the specified user (**See page 5 paragraph 40 and Figure 5 of Banwell et al. for reference to the network element modifying the reply packet information by combining the information with information from reply packets from other ports of the network element and sending to the network management system a block of information including the network element model number, network element serial number, and for each connected port on the network element, the port identifier, far end network element serial number, and the far end network port identifier, meaning identification of the network element, or switch, and identification of the user element attached to the ports of the switch are sent to the network management system, or server).**

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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